

**BARNES & THORNBURG**

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<i>Group:</i>		}	
		}	
<i>Confirmation No.:</i>	9904	}	
		}	
<i>Application No.:</i>	10/598,758	}	
		}	
<i>Invention:</i>	VARIABLE HEIGHT SIDERAIL FOR A BED	}	
		}	FILED DECEMBER 5, 2007
<i>Applicant:</i>	Ruschke et al.	}	
		}	
<i>Filed:</i>	September 11, 2006	}	
		}	
<i>Attorney</i>		}	
<i>Docket:</i>	7175-202950	}	
		}	
<i>Examiner:</i>	Unknown	}	

**RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE**

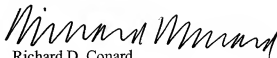
Mail Stop  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the NOTIFICATION OF DEFECTIVE RESPONSE dated November 6, 2007, a copy of which is enclosed with this reply, Applicant submits herewith an executed DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76).

The Commissioner is authorized to charge any fees, or credit any overpayment in connection with this response, to Applicants' undersigned counsel's deposit account 10-0435 with reference to our file 7175-202950.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard D. Conard", written in a cursive style.

Richard D. Conard  
Attorney Reg. No. 27321

RDC/kat  
(317) 231-7341



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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U.S. APPLICATION NUMBER NO. 10/598,758	FIRST NAMED APPLICANT Jeffrey A. Ruschke	ATTY. DOCKET NO. 7175-202950
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INTERNATIONAL APPLICATION NO. PCT/US05/06849	
LA. FILING DATE	PRIORITY DATE

CONFIRMATION NO. 9904  
371 FORMALITIES LETTER



Date Mailed: 11/06/2007

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494):

- Copy of the International Application filed on 09/11/2006
- Copy of the International Search Report filed on 09/11/2006
- Preliminary Amendments filed on 09/11/2006
- Information Disclosure Statements filed on 01/09/2007
- Oath or Declaration filed on 08/09/2007
- Request for Immediate Examination filed on 09/11/2006
- U.S. Basic National Fees filed on 09/11/2006
- Priority Documents filed on 09/11/2006
- Power of Attorney filed on 08/09/2007

Applicant's response filed 08/09/2007 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 05/10/2007 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - does not identify the citizenship of each inventor.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.

<https://spatent.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

page 1 of 2

FORM PCT/DOE/0916 (371 Formalities Notice)

DOCKETED  
FOR Respon Due (Last Day)  
BY Sak  
DATE 11/13/07  
CHE'D BY \_\_\_\_\_  
DATE \_\_\_\_\_

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

CHARITTA A BURT

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